

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MELVIN WIAND,

Plaintiff,

V.

UNITED STATES OF AMERICA,

Defendant.

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No. 3:13-CV-1433-D

ORDER

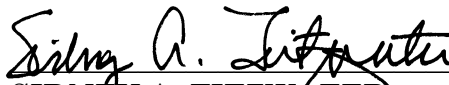
After making an independent review of the pleadings, files, and records in this case, and the findings, conclusions, and recommendation of the magistrate judge, the court concludes that the findings and conclusions are correct. It is therefore ordered that the findings, conclusions, and recommendation of the magistrate judge are adopted.

Plaintiff's September 5, 2013 appeal of denial of evidentiary hearing is denied.

Defendant's motion to dismiss or, in the alternative, motion for summary judgment is granted, and this action is dismissed with prejudice by judgment filed today.

SO ORDERED.

September 27, 2013.



SIDNEY A. FITZWATER
CHIEF JUDGE